

GAS CASE APPEALS UP TO-DAY BEFORE SUPREME COURT

City Asks First Ruling on War
Time Rates—\$30,000,000
Involved.

The right of a State Legislature to fix a maximum rate for gas, determination of which is the proper valuation on public utilities for rate-making purposes—the rate value or a hypothetical "cost now" value—and the ultimate disposal of about \$30,000,000 paid by gas consumers of New York City in excess of statutory rates are the three major issues the United States Supreme Court is called upon to decide to-day.

Corporation Counsel John P. O'Brien, his assistants, Joseph Donnelly, M. Malvern Forting and A. B. Little, to-day argue in Washington on their 500 pages of three briefs presented on appeals from the United States District Courts in the cases of the Consolidated Gas, the Kings County Lighting Company and the New York and Queens Gas Company.

When the Legislature in 1906, after years of campaigning on the part of "The Evening World," passed the 80-Cent Gas Law, it took three years before the companies were compelled to obey it, when the United States Supreme Court decided the law not unconstitutional. During the war, however, the companies, again headed by the Consolidated, once more assailed the law, this time on the ground it was confiscatory. The United States District Court here this year, in 1918, 1919 and 1920 agreed with the company. The appeals are the result.

Assistant State Attorneys General Chambers and Cummings have filed briefs and will argue the right of the State to pass laws defining a maximum rate. The old Public Service Commission of the First District had also taken appeals in these cases, alleging interference with its duties and prerogatives and interference by the United States in purely State matters. The present Public Service Commission, however, taking the stand that the new Miller law gives it unques-

tioned and complete authority in these cases, has withdrawn and will not argue the case. Neither the city nor the gas companies has agreed in this interpretation with the commission, counsel for both sides openly declaring their intention to appeal to the courts in case of adverse rulings by the State body.

Most of the argument will be by Mr. O'Brien. In the Consolidated brief, which alone is 533 pages, the city devotes more than one-third to the proposition "defendants have not had a fair trial." These 140 pages are replete with extracts from the record showing alleged bias by the special master. Some quotations are: "I don't care about precedents. I don't care about precedents." "I wouldn't care if it was allowed by every Judge in the United States, I won't allow it," and, in answer to a remark by Mr. O'Brien about court rulings: "Well, they have ruled wrong. . . . It has been a scandal in this community for years the Judges we have had."

United States District Attorney Hayward, who as counsel for the old Public Service Commission argued its case against the Consolidated, may appear before the Supreme Court as a "friend of the court." In public and private conversation he has many times criticised the conduct of the hearings before the special master.

These appeals are the first to be taken against war-time valuations and are being watched all over the country as a precedent. Gas companies here are now charging from \$1.75 to more than \$2, when service charges are taken into consideration, instead of 50 cents or \$1 as prescribed by the Legislature. The money in excess of these statutory rates has been impounded and totals nearly \$30,000,000. Disposal of this money rests upon the decision.

It is understood that the briefs of William L. Ransom, Jacob H. Goetz and Charles A. Vilas, of counsel for the gas companies, consist mainly in denials of all the charges in the briefs of the city and State.

OCEAN OF WINE AND BEER FOUND; 10 JAILED

U. S. Agents Continue Raids on
Camps Near Pittsburgh.

PITTSBURGH, Kan., Nov. 14.—Four thousand gallons of wine, 800 quarts of "home brew" beer, 800 gallons of mash and a large quantity of whiskey were seized by Prohibition Enforcement officers and county officers in raids yesterday at mining camps near Pittsburgh. Ten men are in jail at Girard. The raiding was continued to-day.

WIFE ASKED HUSBAND FOR DIVORCE CAUSE

Judge Suspects Collusion, but Will
Grant Decree.

Mrs. Florence Nichol, who gave her address simply as "Westchester County," brought suit to-day in the Supreme Court at White Plains against Wallace Nichol for divorce.

Mrs. Nichol, who is thirty-six years old and attractive, said that on Sept. 25 she had lunch with her husband at his invitation and said to him:

"In two years' time, surely you have done something to give me a divorce." She said he replied that he would have to see his lawyer.

Howard H. Stivers and Robert A. Winn, both of Manhattan, testified that they attended a "little party" at the Hotel Pennsylvania on Sept. 15, at the invitation of Nichol, and that a woman not known to them was in the room.

Justice Morschauer said the case looked full of collusion, but that he would grant the decree when the defendant explained the situation.

N. D. MOTION IN RAIL RATE CASE IS DENIED.

Involves Right of U. S. C. to In-
crease Charges in the State.

WASHINGTON, Nov. 14.—Chief Justice Taft announced to-day that the Supreme Court would deny the motion made by the State of North Dakota against the Chicago and Northwestern and other railroads involving the right of the Interstate Commerce Commission to increase rates in the State. The motion was to cancel the recent order setting the case for hearing.

The motion which the State made was to have the date before set for hearing the case cancelled so that the case could be argued with the Wisconsin rate case, leaving before the court the motion made by the railroads to dismiss the case.

SAILORS' SERVICE FILLS CATHEDRAL

The sixth annual Sailors' Day service in the Cathedral of St. John the Divine last night, following as it did the memorial services for the Unknown American Soldier, was tribute to those who have gone down at sea in the performance of duty and to those who are still plying the main. The economic situation, which has kept thousands of seamen unemployed, gave a deep earnestness to the service. It was a salt-sea gathering, from the "middles" who occupied the front row to the old salts who helped to fill the Cathedral to capacity.

Dr. Archibald Manning, Superintendent of the Seamen's Church Institute, led in the service. Dean Howard C. Robbins of the cathedral made the address of welcome. Bishop Charles E. Woodcock of Kentucky preached the sermon. The service was ended with a prayer by all standing for the seamen who were buried in the deep.

SIX-YEAR TERM FOR "BIG TIM" MURPHY

Also Fined \$30,000 for His Part in
Planning the Chicago Mail
Robbery.

CHICAGO, Nov. 14.—"Big Tim" Murphy, former State representative, gang leader and President of the gas workers and street sweepers' unions, was to-day sentenced to six years in Leavenworth Penitentiary and fined \$30,000 by Judge Kenesaw M. Landis for his part in planning the \$300,000 Dearborn Station mail robbery here last April.

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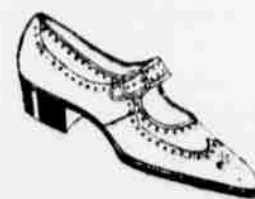


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